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Maureen M. Michail, State Bar No. 185097

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Attorneys For Defendant
USAA CASUALTY INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BENJAMIN SAYERS

Plaintiff,

vs.

USAA CASUALTY INSURANCE
COMPANY;
DOES 1 TO 25, Inclusive,
Defendants.

Case No. 5:23-cv-01114-DMG-SHK
Judge: Hon. Dolly M. Gee
Magistrate: Hon. Shashi H. Kewalramani

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT USAA
CASUALTY INSURANCE
COMPANY'S MOTION FOR
SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT

Date: March 8, 2024
Time: 9:30 a.m.
Courtroom: 8C

Trial Date: June 25, 2024

[Filed concurrently with Notice of Motion
and Motion; Declarations of Amanda
Zahariades and Maureen M. Michail,
Esq.; Statement of Undisputed Facts and
Genuine Issues; Index of Exhibits and
Exhibits; and [Proposed] Order]

TO THE COURT, ALL PARTIES HEREIN AND THEIR
ATTORNEYS OF RECORD:

Pursuant to Evidence Code section 452, Defendant USAA CASUALTY
INSURANCE COMPANY submits this Request for Judicial Notice in Support of its

DANIELS, FINE, ISRAEL, SCHONBUCH & LEBOVITS, LLP
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1 Motion for Summary Judgment or Partial Summary Judgment and requests the Court
2 take judicial notice of the following:

3 1. Riverside Superior Court Minute Order denying Benjamin Sayers'
4 Motion to Compel Arbitration in *Sayers v. USAA Ins. Co.*, Case No. CVPS2202851,
5 dated April 19, 2023, attached to the Index of Exhibits as Exhibit 15, filed
6 concurrently herewith.

7 2. Riverside Superior Court Complaint filed in *Sayers v. USAA Cas.*
8 *Ins. Co.* in the instant action (before removal to U.S.D.C.), Riverside Superior Court
9 Case No. CVPS2301967 on April 25, 2023, attached to the Index of Exhibits as
10 Exhibit 16, filed concurrently herewith.

11 Date: January 26, 2024

DANIELS, FINE, ISRAEL,
SCHONBUCH & LEBOVITS, LLP

/s/ Maureen M. Michail

12 By: _____

Maureen M. Michail

Attorneys For Defendant

Defendant USAA CASUALTY INSURANCE
COMPANY

CERTIFICATE OF SERVICE

1 State of California)
2 County of Los Angeles)

3 I am a resident of the State of California, over the age of eighteen years, and not a
4 party to the within action. My business address is 1801 Century Park East, Ninth
Floor, Los Angeles, California 90067. On January 26, 2024, I served the within
document(s):

5 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT USAA**
6 **CASUALTY INSURANCE COMPANY'S MOTION FOR SUMMARY**
7 **JUDGMENT OR PARTIAL SUMMARY JUDGMENT**

8 by placing a true copy thereof in sealed envelopes as stated on the attached mailing
list.

9 ☒ **BY MAIL** I am "readily familiar" with the firm's practice of collection
10 and processing correspondence for mailing. Under that practice
a true copy would be deposited with U.S. postal service on that same
11 day with postage thereon fully prepaid at Los Angeles, California in the
ordinary course of business. I am aware that on motion of the party
12 served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in
affidavit.

13 ☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a
14 court order or an agreement of the parties to accept service by e-mail or
electronic transmission, I caused the documents to be sent to the persons
15 at the e-mail addresses listed on the service list. I did not receive,
within a reasonable time after the transmission, any electronic message
16 or other indication that the transmission was unsuccessful.

17 ☐ (State) I declare under penalty of perjury under the laws of the State of
California that the above is true and correct.

18 ☒ (Federal) I declare that I am employed in the office of a member of the
19 bar of this court at whose direction the service was made.

20 Executed on January 26, 2024, at Los Angeles, California.

21 /s/Christine Tucker

22

Christine Tucker

SERVICE LIST

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